IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY THE THIRD DAY OF AUGUST,
TWO THOUSAND AND SEVEN

: PRESENT :
THE HON'BLE SHRI G. S. SINGHVI THE CHIEF JUSTICE
AND
THE HON'BLE SHRI JUSTICE C. V. NAGARJUNA REDDY

WRIT PETITION No. 16574 of 2007

Between:

1. **Mallavarapu Nooka Raju S/o Late Appanna, R/o 21-63, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
2. **M. Eswara Rao S/o Late Ramulu, R/o 58-14-37, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
3. **P. Mangapathi S/o Late Ramulu, R/o 58-14-98/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
4. **K. Kannayya S/o Late Pothuraju, R?o 58-14-89/3A, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
5. **K. Simhachalam S/o Late Pothuraju, Block 6/2, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
6. **S. Sanni Babu S/o Late Samudram, R/o 58-14-38, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
7. **S. Lova Raju S/o Chinnabbai, R/o 9/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
8. **V. Lakshmi W/o Venkatramana, R/o 58-14-107/2, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
9. **K.Ramulamma W/o Venkata Rao, R/o 58-14-130/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
10. **B. Anji Babu S/o Late Ramayya, R/o 9/2, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
11. **K. Raju S/o Simhachalam, R/o 58-14-202/2, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
12. **K. Konda Babu S/o Simhachalam, R/o 58-14-107, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
13. **C. Appa Rao S/o Rajulu, R/o 21-54/3, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
14. **K. Appa Rao S/o Rajulu, R/o 58-14-96/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
15. **K. Nooka Raju S/o Rajulu, R/o 58-14-96, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
16. **P. Ramu S/o Mahalaxmi, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
17. **P. Jaggayamma W/o Tata Rao, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
18. **G. Raju S/o Devudu, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
19. **J. Ramana S/o Simhachalam, R/o 21/6, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
20. **K. Chitti Babu S/o Mahalaxmi, R/o 58-14-96, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
21. **J. Devudu S/o Satyanarayana, R/o 58-17-8, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
22. **P. Appala Raju S/o Naganna, R/o 15-14/01/2, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
23. **V. Appa Rao S/o Musalayya, MIG 93, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
24. **M. Devudamma W/o Chanti, R/o 58-12-145, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
25. **K. Tataji S/o Rajulu, R/o 58-14-96/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**

(Contd. 2.)

26. **Y. Manga Rao S/o Ramulu, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
27. **K. Sankar Rao S/o Simhachalam, R/o 58-14-38/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
28. **T. Appa Rao S/o Nooka Raju, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
29. **K. Appa Rao S/o Appana, R/o 58-14-130/2, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
30. **K. Babu Rao S/o Kondababu, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
31. **K. Ramana S/o Narayana, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
32. **D. Bala Raju S/o Paidayya, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
33. **V. China Satti Babu S/o Konda, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
34. **V. Satti Babu S/o Musalayya, R/o 58-12-145/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
35. **D. Ganga Raju S/o Nookalu, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
36. **Penta Raju S/o Konda,R/o 15-14-91/3, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
37. **Y. Krishna S/o Ramayya, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
38. **C.Eswara Rao S/o9 Simhachalam, R/o 58-14-92/1, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
39. **C. Bandayya S/o Rajulu, R/o 58-14-92/1 Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
40. **Y. Devudamma W/o Konda, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
41. **K. Eswar Rao S/o Yerrabbai, R/o 58-14-89/3, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
42. **A. Satti Babu S/o Simhachalam, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
43. **M. Arjuna S/o Ramulu, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**
44. **A. Venkat Rao S/o Venkanna, Near Provident Fund Office, Marripalem Layout, Visakhapatnam.**

..... Petitioners

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue, Secretariat Buildings, Saifabad, Hyderabad.
2. State of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration, Secretariat Buildings, Saifabad, Hyderabad.
3. The District Collector, Visakhapatnam.

4. Visakhapatnam Urban Development Authority, rep. by its Vice Chairman, Visakhpatnam.

.... Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring that the impugned inaction of the 3rd respondent in considering the representations of the petitioners dated 20th and 26th of June, 2007 as arbitrary, illegal, capricious, high handed, violate the fundamental rights guaranteed to us under Articles 14, 19 (1) (g) and 21 and the guarantee under Article 300- A of the Constitution of India apart from being in violation of principles of natural justice and fair play and consequently direct the 4th respondent not to demolish the structures of shelter of the petitioners.

(Contd. 3.)

The Petition coming on for admission upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Sri Y. Srinivasa Murthy for Sri T. S. Anand for the petitioners, and of Smt. V. Preethi Reddy, S.C. for Visakhapatnam Urban Development Authority, for the Respondent No. 4, the Court made the following

ORDER:

"Sri Y. Srinivasa Murthy for Sri T. S. Anand for the petitioners.

Smt. V. Preethi Reddy for respondent No. 4.

Learned counsel for the petitioners and Smt. Preethi Reddy, learned Standing Counsel for Visakhpatnam Urban Development Authority jointly request time to file further affidavits.

Put up on 30.08.2007.

In the meantime, the respondents are directed not to evict the petitioners from the present sites and not to demolish the residential structures and petty shopping structures erected by them."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Revenue, Govt. of A.P., Secretariat Buildings, Saifabad, Hyderabad. (BY SPECIAL MESSENGER)
2. The Principal Secretary, Municipal Administration, Govt. of A.P., Secretariat Buildings, Saifabad, Hyderabad(BY SPECIAL MESSENGER)
3. The District Collector, Visakhapatnam.(BY RPAD)
4. The Vice Chairman, Visakhapatnam Urban Development Authority, Visakhpatnam.(BY PRAD)
5. One CC to Sri Y. Srinivasa Murthy, Advocate(OPUC)
6. One CC to Smt. Preethi Reddy, S.C. for VUDA, High Court of A.P., Hyderabad.
7. Two spare copies.

BV

HIGH COURT

LNR,J

DATE: 20-07-2007

NOTE: POST ON 30-07-2007

ORDER

W.P.NO.9381 OF 2007

DIRECTION

HIGH COURT

LNR,J

Drafted by: skm
Drafted on; 23-07-2007

DATE: 20-07-2007

NOTE: POST ON 30-07-2007

ORDER

W.P.NO.9381 OF 2007

DIRECTION